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APPLICATION NO.	09/165,315	FILING DATE	10/02/1998	FIRST NAMED INVENTOR	TOMOAKI TAMURA	ATTORNEY DOCKET NO.	02860.0599	CONFIRMATION NO.	7725
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EXAMINER	MAHONEY, CHRISTOPHER E
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22852 7590 03/13/2002  
FINNEGAN, HENDERSON, FARABOW, GARRETT &  
DUNNER LLP  
1300 I STREET, NW  
WASHINGTON, DC 20005

ART UNIT	PAPER NUMBER
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2851  
DATE MAILED: 03/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No. 09/165,315

Applicant(s) Tamura et al.

Examiner Christopher E Mahoney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 9, 2002
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 17-21
- 4a) Of the above, claim(s) \_\_\_\_\_
- 5) ☐ Claim(s) \_\_\_\_\_
- 6) ☒ Claim(s) 1-13 and 17-21
- 7) ☐ Claim(s) \_\_\_\_\_
- 8) ☐ Claims \_\_\_\_\_
- \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).  
a) ☒ All b) ☐ Some \* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachments

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-3 and 6-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Parulski et al. (EP0860980). Parulski teaches a camera comprising image pick up means for receiving light to form an image of a subject, print information producing means for producing print information for printing the image including the number of prints, and transmitting means for transmitting the print information of the image including the number of prints. The applicant is directed to review figures 1A, 1B, and 2 as well as the abstract, page 3, lines 17, 20, 32-36, 39-46, page 3, line 58 through page 4, line 4 and page 4, line 11.

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4. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

5. Applicant should further note that Parulski et al. (EP0860980) claims priority from a currently pending US application and the priority dates listed.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-5 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (EP0860980) in view of Saegusa (U.S. Pat. No. 5,799,217). Parulski teaches the salient features of the claimed invention except for a battery check device. Saegusa teaches a battery check device for a camera which determines the battery power and functional limits based on the battery exhaustion, which then displays the information accordingly. The applicant is directed to review the abstract as well as figures 1 and 3-6. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Saegusa for the purpose of accurately assess battery function and warning the operator.

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8. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (EP0860980) in view of Friend et al (Understanding Data Communications). Parulski teaches the salient features of the claimed invention except for a explicitly stating that it acknowledges proper receipt of information. Friend teaches that it was known to receive receipt information especially when there is an error in communication. This is discussed on page 177 of Friend. If the applicant wishes, additional pages of this text can be supplied for the detailed descriptions of the topics touched upon on page 177. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Friend for the purpose of error checking. The examiner notes that modem software, which has been in existence for decades, sends and receives receipt acknowledgments as well as notifying the user of such acknowledgments.

9. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (EP0860980) in view of Kaihatsu (U.S. Pat. No. 5,898,386). Parulski teaches the salient features of the claimed invention except for a transmitter ID signal transmission. Kaihatsu teaches in the abstract as well as figures 11 and 12 that it was known to transmit transmitter ID. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Kaihatsu for the purpose of proper tracking and identification.

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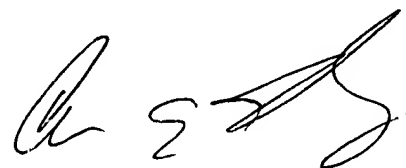
***Response to Arguments***

10. Applicant's arguments with respect to claims 1-13 and 17-21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Christopher Mahoney at telephone number (703) 305-3475. The examiner can normally be reached 8:00 AM to 5:30 PM Monday through Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams, can be reached at (703) 308-2847. The fax number for this Group is (703) 305-34[31,32]. Any inquiry of a general nature or related to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

CM  
March 10, 2002

A handwritten signature in black ink, appearing to read 'C. Mahoney', with a stylized flourish at the end.

**Christopher E. Mahoney**  
**Primary Examiner AU2851**